

Roanoke Board of Zoning Appeals (BZA)

The Board of Zoning Appeals (BZA) plays an influential role in the implementation and enforcement of the zoning and subdivision control ordinances. Such a board is mandatory for a community when a zoning ordinance is adopted, according to Indiana law.

The Roanoke Board of Zoning Appeals usually meets at 7:00 PM on the second Monday of each month in the Roanoke Town Hall, 126 N. Main Street. If there is no Business Items on the Agenda, no meeting will be held.

Membership

The Roanoke Board of Zoning Appeals consists of five members. Three citizen members are appointed by the Town Council and two non-resident members are appointed by the County Plan Commissioners; with the two non-resident members also being members of the Roanoke Plan Commission.

The citizen members of the BZA serve a four-year term which expires on the first Monday of January after the fourth year of the member's appointment. Citizen Board members must be residents of the Town of Roanoke. The two non-resident members are appointed Plan Commission for a four-year period and then to the BZA each year by the Huntington County Plan Commissioners; they must reside in the unincorporated area of the extra-territorial jurisdiction; and they must not be of the same political party. None of the board members may hold another elective or appointive office in municipal, county or state government.

Additional staff support is provided by the Huntington Countywide Department of Community Development (DCD).

Duties

As a quasi-judicial body, the Board of Zoning Appeals provides a "safety valve" through which land owners can seek relief from strict application of the zoning ordinance. The Board functions to give greater assurance that zoning is fair and equitable, that it is properly interpreted and does not cause excessive hardship.

Duties of the Board of Zoning Appeals fall into four major categories:

1. the granting of variance of use;
2. the granting of variance from development standards;
3. the granting of exceptions and uses; and
4. appeals from administrative decisions.

Contact

For more information about the Roanoke Board of Zoning Appeals, contact the Huntington Countywide Department of Development (DCD) via mail at 201 N. Jefferson Street, Room 204, Huntington, IN 46750; via phone at (260)358-4836 or via email to hcdcd@huntington.in.us.

Roanoke Plan Commission

The Plan Commission, along with the Board of Zoning Appeals and Roanoke Town Council, oversees planning and zoning issues that affect the City, including the unincorporated area of the extra-territorial jurisdiction and also considers requests for variances from requirements that may be set out in the Town of Roanoke Zoning Ordinance or Comprehensive Plan.

The Roanoke Plan Commission usually meets at 6:30 PM on the second Wednesday of each month in the GAR Room, Room 207, 2nd Floor, County Courthouse, 201 N. Jefferson Street, Huntington, IN. If there is no Business Items on the Agenda, no meeting will be held.

Membership

The Roanoke Plan Commission consists of 11 members. Nine from the Huntington County Plan Commission and two appointed by the County Commissioners (from the Roanoke Board of Zoning Appeals).

Additional staff support is provided by the Huntington Countywide Department of Community Development (DCD).

Contact

For more information about the Roanoke Plan Commission, contact the Huntington Countywide Department of Development (DCD) via mail at 201 N. Jefferson Street, Room 204, Huntington, IN 46750; via phone at (260)358-4836 or via email to hcdcd@huntington.in.us.

If You're Notified of A Public Hearing

You Are A Neighbor Notified of A Public Hearing

You have been notified of a public hearing because you are most likely a neighbor within 200 feet of a subject parcel. You and others interested in a proposal have three options for voicing your concerns: you can speak in person at the meeting, submit your written concerns to the petition's file, or submit your written concerns for discussion in the *Staff Report* and reviewed prior to the hearing by the Board/Commission members.

In accordance with IC 36-7-4-920 (g) A person may not communicate with any member of the board before the hearing with intent to influence the member's action on a matter pending before the board.

Speaking in Person. Persons who wish to voice their concerns need to appear at the meeting. You may wish to contact staff and/or review the proposal at the Area Plan Commission office before outlining your concerns.

Documents Submitted to the File. Written concerns regarding a proposal will be accepted into the file up to five days prior to the hearing. However, documents that are more than 2 pages long must be submitted 10 days prior to the hearing. This enables staff, members, the applicant, and other members of the public time to review these concerns prior to the hearing if they choose.

Documents Submitted for Staff & Member Review. Persons who wish to have their concerns considered in the *Staff Report*, and mailed to members for review prior to the hearing must submit their written concerns no less than 15 days prior to the hearing. This enables staff time to discuss your information in the *Staff Report*, as well as mail your information to the members well in advance of the hearing.

What are Rules of Procedure for the Public Hearing?

All public hearings are directed by the Chairman of the Commission or Board that is hearing the proposal.

Usually a public hearing will open with the Chairman reading the rules of procedure. The *Staff Report* is then presented which is prepared by the Huntington Countywide Department of Community Development (DCD) staff and thoroughly analyzes the proposed project, how it complies with the current standards of the Zoning and/or Subdivision Control Ordinance, and discusses pertinent issues and public comment submitted to the file.

The applicant, or his representative, is then given time to present his proposal and in detail.

The Chairman will then open the floor to anyone in the public wishing to speak in favor of or against the proposal. The applicant takes down all the questions and concerns from the public and is then allowed time to answer all of the questions raised. If the applicant has not addressed all of the public's concerns, the Chairman can request that the question be repeated for the applicant to answer. Once the Chairman is satisfied that all issues have been addressed, he then closes the hearing and allows the Commission or Board members to ask questions of the applicant. The Board/Commission will then make a motion for a vote.

What Happens Next?

Rezoning. If a recommendation has been made by the Roanoke Plan Commission regarding a zoning amendment, the proposal is then forwarded to the Roanoke Town Council who then make the final decision at their public hearing.

Subdivisions. Decisions made by the Huntington County Plan Commission regarding subdivisions are final unless an appeal is filed.

Variance or Special Exception. Decisions made by the Roanoke Board of Zoning Appeals regarding a variance or special exception are final unless an appeal is filed.

If a Project is Tabled. A proposal's hearing may be tabled at the request of the applicant, the public, or by the Board/Commission if additional information is needed before a decision can be made. If the project is tabled, it will be heard at the next month's regularly scheduled meeting unless otherwise announced at the initial meeting. Area neighbors **are not re-notified** of a tabled hearing since the next hearing date was announced at the initially scheduled public hearing.

Definitions and Jurisdiction

Rezoning - to change the zoning of property from one District to another.

- The case is first heard before the Roanoke Plan Commission who makes only a recommendation to the Roanoke Town Council.
- The Roanoke Town Council makes the final decision.

Subdivision - the division of a lot, parcel, or tract of land into two or more lots, tracts, parcels, or other division of land for sale, development, or lease.

- Subdivisions are heard before the Huntington County Plan Commission, who makes the final decision. All subdivisions must have primary and secondary review.

Special Exception - the authorization of a use, that is permitted in the district as long as it meets special conditions, and upon application, is specifically authorized by the Board.

- Case is heard by the Roanoke Board of Zoning Appeals, who makes the final decision.

Variance - a modification of the specific requirements of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

- Case is heard by the Roanoke Board of Zoning Appeals, who makes the final decision.

When is a Public Hearing Required?

Roanoke Plan Commission

- Rezoning

Huntington County Plan Commission

- Subdivisions
- Planned Unit Developments
- Amendments to Development Plans
- Amendments to Maps and Ordinances

Area Board of Zoning Appeals

- Special Exceptions
- Variances
- Use Classifications
- Appeal of the Director's Decision

For More Information, Contact the Huntington Countywide Department of Community Development Office via mail at 201 N. Jefferson Street, Room 204, Huntington, IN 46750; via phone at (260)358-4836 or via email to hcdcd@huntington.in.us.